

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 COME-00 TRSE-00 DOTE-00 EB-08  
IO-14 CIAE-00 DODE-00 FMC-02 INR-10 NSAE-00 CG-00  
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INRE-00 /112 W

-----117208 151124Z /11

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FM AMCONSUL HAMBURG  
TO SECSTATE WASHDC IMMEDIATE 4637

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PASS: KEARNEY, STATE;JOHNSON, MARAD; JACKLIN, TREASURY;  
KUTSKE, DRISCOLL, SHEFLER, DOT; FREE COMMERCE

E.O. 11652: N/A  
TAGS: OCON, OTRA, AFIN, UNCITRAL, GW  
SUBJECT: UNCITRAL - CONFERENCE ON CARRIAGE OF GOODS BY SEA, HAMBURG

SUMMARY: PROPOSAL OF DENMARK; FINLAND; GERMANY,FEDERAL REPUBLIC OF;  
NETHERLANDS; NORWAY; SWEDEN AND THE UNITED STATES OF  
AMERICA OF A NEW ARTICLE ON UNIT OF ACCOUNT, FOLLOWING  
THE APPROACH ADOPTED AT THE 1976 LONDON CONFERENCES  
( SEE A/CONF. 89/8, FOOTNOTE 31)

1. THE UNIT OF ACCOUNT REFERRED TO IN ARTICLE 6 IS THE  
SPECIAL DRAWING RIGHT AS DEFINED BY THE INTERNATIONAL MONETARY  
FUND. THE AMOUNTS MENTIONED IN ARTICLE 6 SHALL BE CONVERTED  
INTO THE NATIONAL CURRENCY OF A STATE ACCORDING TO THE VALUE  
OF SUCH CURRENCY AT THE DATE OF JUDGEMENT OR THE DATE AGREED  
UPON BY THE PARTIES. THE VALUE OF A NATIONAL CURRENCY IN  
TERMS OF THE SPECIAL DRAWING RIGHT, OF A STATE PARTY  
WHICH IS A MEMBER OF THE INTERNATIONAL MONETARY FUND,  
SHALL BE CALCULATED IN ACCORDANCE WITH THE METHOD OF  
VALUATION APPLIED BY THE INTERNATIONAL MONETARY FUND IN  
EFFECT AT THE DATE IN QUESTION FOR ITS OPERATIONS AND  
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TRANSACTIONS. THE VALUE OF A NATIONAL CURRENCY IN TERMS  
OF THE SPECIAL DRAWING RIGHT OF A STATE PARTY WHICH IS  
NOT A MEMBER OF THE INTERNATIONAL MONETARY FUND SHALL BE  
CALCULATED IN A MANNER DETERMINED BY THAT STATE PARTY.

2. NEVERTHELESS, THOSE STATES WHICH ARE NOT MEMBERS  
OF THE INTERNATIONAL MONETARY FUND AND WHOSE LAW DOES

NOT PERMIT THE APPLICATION OF THE PROVISIONS OF PARAGRAPH 1 MAY, AT THE TIME OF SIGNATURE (WITHOUT RESERVATION AS TO RATIFICATION, ACCEPTANCE OR APPROVAL) OR AT THE TIME OF RATIFICATION (ACCEPTANCE, APPROVAL) OR ACCESSION OR AT ANY TIME THEREAFTER, DECLARE THAT THE LIMITS OF LIABILITY PROVIDED FOR IN THIS CONVENTION TO BE APPLIED IN THEIR TERRITORIES SHALL BE FIXED AS: (MONETARY UNITS PER PACKAGE OR OTHER SHIPPING UNIT OR--- MONETARY UNITS PER KILOGRAMME OF GROSS WEIGHT OF THE GOODS.) (FOOTNOTE: THIS PARAGRAPH IS IN BRACKETS BECAUSE SOME COUNTRIES DO NOT FAVOR A PER PACKAGE OR OTHER SHIPPING UNIT LIMITATION.

3. THE MONETARY UNIT REFERRED TO IN PARAGRAPH 2 CORRESPONDS TO SIXTY-FIVE AND A HALF MILLIGRAMMES OF GOLD OF MILLESIMAL FINENESS NINE HUNDRED. THE CONVERSION OF THE AMOUNTS REFERRED TO IN PARAGRAPH 2 INTO THE NATIONAL CURRENCY SHALL BE MADE ACCORDING TO THE LAW OF THE STATE CONCERNED.

4. THE CALCULATION MENTIONED IN THE LAST SENTENCE OF PARAGRAPH 1 AND THE CONVERSION MENTIONED IN PARAGRAPH 3 SHALL BE MADE IN SUCH A MANNER AS TO EXPRESS IN THE NATIONAL CURRENCY OF THE STATE PARTY AS FAR AS POSSIBLE THE SAME REAL VALUE FOR THE AMOUNTS IN ARTICLE 6 AS IS EXPRESSED THERE IN UNITS OF ACCOUNT. STATES PARTIES SHALL COMMUNICATE TO THE DEPOSITARY THE MANNER OF CALCULATION PURSUANT TO PARAGRAPH 1, OR THE RESULT OF THE CONVERSION IN PARAGRAPH 3, AS THE CASE MAY BE, AT THE TIME OF THE SIGNATURE (WITHOUT RESERVATION AS TO RATIFICATION, ACCEPTANCE OR APPROVAL) OR WHEN DEPOSITING AN INSTRUMENT REFERRED TO IN ARTICLE ---- AND WHENEVER THERE IS A CHANGE IN EITHER.

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CULATION PURSUANT TO PARAGRAPH 1, OR THE RESULT OF THE CONVERSION IN PARAGRAPH 3, AS THE CASE MAY BE, AT THE TIME OF THE SIGNATURE (WITHOUT RESERVATION AS TO RATIFICATION, ACCEPTANCE OR APPROVAL) OR WHEN DEPOSITING AN INSTRUMENT REFERRED TO IN ARTICLE ---- AND WHENEVER THERE IS A CHANGE IN EITHER.

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**Subject:** UNCITRAL - CONFERENCE ON CARRIAGE OF GOODS BY SEA, HAMBURG SUMMARY: PROPOSAL OF DENMARK; FINLAND; GERMANY, FEDERAL REPUBLIC OF; NETHERLANDS; NORWAY; SWEDEN AND THE UNITED STATES  
**TAGS:** OCON, OTRA, AFIN, GE  
**To:** STATE  
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